

Chapter 19.670***Public Hearings and Notice Requirements*****19.670.010 Generally**

The following procedures implement State Planning and Zoning Law under Government Code Sections [65090](#) through [65096](#) and govern the public hearing and notice requirements for consideration of a land use or development permit or action. Section 19.640.040 B-D (Discretionary Permits and Actions) and Table 19.650.020 (Approving and Appeal Authority), identify where public hearing and notice is required for all types of action authorized by the Zoning Code. In general, public hearings and public notice shall be required for certain discretionary and all legislative actions. Public hearings are not required for administrative discretionary actions, although public notice may be required. Where required, the hearing(s) shall be held before the designated Approving or Appeal Authority pursuant to Table 19.650.020 (Approving and Appeal Authority). Appendix A is a table summarizing notification and public hearing procedures for all types of actions authorized by the Zoning Code. Appendix A reflects requirements of State Planning and Zoning Law, the Guidelines for California Environmental Quality Act (CEQA) and the City's Resolution implementing CEQA. Appendix A is subject to periodic administrative revision to reflect changes in State and City laws and City administrative procedures and policies.

19.670.020 Notice Requirements for Administrative Discretionary Permits with No Public Hearing**A. Minor Conditional Use Permit and Variance**

1. Public notice of the consideration of a proposed minor conditional use permit in all zones shall be provided by the Zoning Administrator by mailing such notice to the property owners within three hundred feet of the exterior boundaries of the property under consideration;
2. Public notice of the consideration of a proposed variance in any zone shall be provided by the Zoning Administrator by mailing such notice to the property owners adjacent to the boundaries of the property under consideration. When the variance request is regarding a corner lot and will pertain to a rear or side yard setback, such notice shall be given to the owners of property directly across each street from the proposed side or rear yard encroachment as well as to the owners of abutting property.
3. For mailing purposes, the last known name and address of such owners as are shown on the latest available equalized assessment roll of the County Assessor shall be used. Such notices shall identify the property under consideration and indicate the nature of the proposed permit.

4. The public notice shall:
 - a. be sent no later than fourteen days after acceptance of a complete and accurate application;
 - b. invite interested persons to notify in writing the Planning Division of any concerns, comments or to make a request to be further notified of actions relating to the proposed variance or minor conditional use permit during a fifteen-day comment and review period commencing with the date of the notice;
 - c. specify that only those specifically requesting to be further notified of actions relating to the application will be so notified of decisions, appeals or requests for City Council review; and
 - d. specify that at the end of the fifteen day comment and review period, the Zoning Administrator's final report and recommendations will be issued, initiating a ten-day appeal period during which time any interested person may request that the Zoning Administrator's decision be reviewed by the City Council.
 5. For variances in any zone where the applicant has obtained the written approval of the adjacent property owners, no public notices, comment period or appeal period is required. The Zoning Administrator's decision is final, except that the applicant may appeal the Zoning Administrator's decision within ten days of the mailing of written notice of decision.
 6. Noticing distance requirements for individual uses may vary. Refer to Article VII, Specific Land Use Provisions.
- B. All other Administrative, Discretionary Permits
1. No notice is required for other administrative, discretionary actions without a public hearing, unless specified.

19.670.030 Notice of Hearing for Discretionary Actions Requiring a Public Hearing

Notice of the hearing shall be given in all of the following ways:

- A. Notice of the hearing shall be mailed or delivered at least ten days prior to the hearing to:
1. The owner of the subject real property or the owner's duly authorized agent, and the project applicant.
 2. Each local agency expected to provide water, sewage, streets, roads, schools or other essential facilities or services to the project.
 3. All owners of real property on the latest records of the County Assessor within 300 feet of the real property. If the number of owners to whom notice would be mailed or delivered is greater than 1,000, the City may, in lieu of mailing or delivering the

notice, provide notice by placing an advertisement of a least one-eighth page in at least one newspaper of general circulation within the City at least 10 days prior to the hearing.

- B. The notice shall be published in at least one newspaper of general circulation within the City at least ten days prior to the hearing.
- C. Noticing distance requirements for individual uses may vary. Refer to Article VII, Specific Land Use Provisions.

19.670.040 Notice of Hearing for Legislative Actions

- A. General Plan Amendments, Specific Plan Amendments, Zoning Code Text/Map Amendments and Zone Changes Not Affecting the Permitted Uses or Intensity of Uses of Real Property.
 - 1. The notice shall be published in at least one newspaper of general circulation within the City at least ten days prior to the hearing.
- B. General Plan Amendments, Specific Plans and Specific Plan Amendments, Zoning Code Amendments and Zone Changes Affecting the Permitted Uses or Intensity of Uses of Real Property and All Development Agreements.
 - 1. Notice of the hearing shall be given in all of the following ways:
 - a. Notice of the hearing shall be mailed or delivered at least ten days prior to the hearing to:
 - (1) The owner of the subject real property or the owner's duly authorized agent, and the project applicant.
 - (2) Each local agency expected to provide water, sewage, streets, roads, schools or other essential facilities or services to the project.
 - (3) All owners of real property on the latest records of the County Assessor within 300 feet of the real property. If the number of owners to whom notice would be mailed or delivered is greater than 1,000, the City may, in lieu of mailing or delivering the notice, provide notice by placing an advertisement of a least one-eighth page in at least one newspaper of general circulation within the City at least ten days prior to the hearing.
 - 2. The notice shall be published in at least one newspaper of general circulation within the City at least ten days prior to the hearing.
- C. Annexations

Notice of the hearing to adopt a resolution of application to annex shall be published in all of the following ways:

1. The notice shall be published in at least one newspaper of general circulation with the City at least 20 days prior to the hearing.
2. Notice of the hearing shall be mailed or delivered at least 20 days prior to the hearing to:
 - a. The owner of the subject real property(ies) and the project applicant, if other than the City.
 - b. Each local agency expected to provide water, sewage, streets, roads, schools or other essential facilities or services to the project.
 - c. All owners of real property on the latest records of the County Assessor within 300 feet of the real property(ies).
3. The notice shall be posted at the site where the public hearing will occur at least 20 days prior to the hearing and continue to the time of the hearing.

19.670.050 California Environmental Quality Act (CEQA) Requirements

- A. Whenever a negative declaration is proposed to be adopted for any project pursuant to CEQA, the period for publishing or mailing the notice prior to the hearing shall be increased from ten to twenty days.
- B. Whenever a negative declaration is proposed to be adopted for any project pursuant to CEQA and the project is subject to the jurisdiction of any State agency, the period for publishing or mailing the notice prior to the hearing shall be increased from ten to thirty days.

19.670.060 Content of Notice

Notices given pursuant to Section 19.670.020 (Notice Requirements for Administrative Discretionary Permits with No Public Hearing), 19.670.030 (Notice of Hearing for Discretionary actions Requiring a Public Hearing) and 19.670.040 (Notice of Hearing for Legislative Actions) shall at a minimum include the date, time and place of the public hearing, the identity of the hearing body, a general explanation of the matter to be considered and a general description, in text or by diagram, of the location of the real property, if any, that is the subject of the hearing.

19.670.070 Requests for Notification

Any person who requests inclusion on a mailing list for notice of hearing for a development project or projects shall submit such request in writing to the Planning Division where the request is for notice of hearing before the Planning Commission and to the City Clerk where the request is for notice of hearing before the City Council. The City may impose a reasonable fee for the purpose of recovering the cost of such notification.

19.670.080 Failure to Receive Notice

Pursuant to California Government Code Section [65093](#), failure of any person or entity to receive notice required by law of any hearing as required by the Zoning Code shall not constitute grounds for any court to invalidate the actions of a designated Approving or Appeal Authority for which the notice was given.

19.670.090 Hearing Procedure

- A. Hearings as provided for in this Chapter shall be held at the date, time, and place for that notice has been given as required in this Chapter. The designated Approving or Appeal Authority shall conduct the public hearing and hear testimony.
- B. The summary minutes shall be prepared and made part of the permanent file of the case.
- C. Any hearing may be continued, and no further public notice shall be required unless the hearing is not continued to a specific date/time, in which instance the hearing shall be re-noticed.

19.670.100 Notice and Hearings for Appeals and Referrals

- A. Upon appeal or referral of a discretionary action with a public hearing or a legislative action, notice of a public hearing before the appeal authority (See Table 19.650.020) shall be given in the same manner as for the original public hearing, except that in all cases the period of time for publishing or mailing the notice prior to the appeal hearing is not more than ten (10) days. Proposed adoption of a negative declaration by the appeal authority does not extend the time beyond ten (10) days.
- B. Upon appeal or referral of an administrative discretionary action, notice of the appeal or referral shall be mailed to the applicant and all interested persons requesting such notice at least ten days in advance of consideration of the referral or appeal on the appeal or referral authority's discussion calendar agenda.

19.670.110 Drive-thru Facilities

Whenever a hearing is held regarding a discretionary permit or a legislative action for a drive-thru facility, notice shall also be provided to representatives on a list maintained by the Planning Division of the blind, aged and disabled communities.

19.670.120 Cemeteries

Notice for any action that would permit all or any part of a cemetery, as defined by Section 8100 of the State Health and Safety Code, to be used for other than cemetery purposes, shall be provided pursuant Section 19.670.030 (Notice of Hearing for Discretionary Actions Requiring a Public Hearing).